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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**R.S.A. No. 2482 of 2004**

Date of decision: 23.8.2007

**Sarwan Singh** **...Appellant**

**Versus**

**Jangir Singh and others** **...Respondents**

**R.S.A. No. 4327 of 2004**

**Jarnail Singh** **...Appellant**

**Versus**

**Jangir Singh and others** **...Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. Arun Jindal, Advocate for the appellants.

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**RAJESH BINDAL, J.**

These are two appeals arising out of a common judgment against the concurrent findings of fact by both the Courts below whereby suit for permanent injunction filed by the respondents was decreed.

The only contention raised by learned counsel for the appellants is that the relief prayed for by the respondents could not be granted as the appellants were in possession of the property as tenants Gairmarusi, as was shown in the revenue record and the possession of the same was never delivered to the respondents by the appellants and the entry in rapat roznamcha Ex. P-19 could not be relied upon to non suit the appellants. If the respondents are not found to be in possession of the property, the relief of injunction could not be granted. However, the Courts below have found that by document Ex. P-19 respondent Jagir Singh etc.

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were handed over possession of the land in question with the help of police in terms of order passed by the Consolidation Officer, Mohali. The claim of the appellants that the warrants of possession, if any, were issued at the back of the appellants is belied from the copies of warrants on record which show that the same were endorsed to the appellants. The appellants raised a grouse that they could not be dispossessed in the manner it was done. The Courts below have rightly observed that such a plea could not be raised in the present proceedings as for that appellants had remedy under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, which they failed to avail of.

Accordingly, I do not find any merit in the present appeals and the same are dismissed.

**August 23, 2007** **(Rajesh Bindal)**
**Pka** **Judge**